

DOCKET FILE COPY ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED  
NOV 3 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Applications of

The Lutheran Church/Missouri Synod	)	MM Docket No. 94-10
For Renewal of Licenses of Stations	)	File Nos. BR-890829VC
KFUO/KFUO-FM, Clayton, Missouri	)	BRH-890929VB

TO: Hon. Arthur Steinberg, Administrative Law Judge

**CLARIFICATION OF MOTION FOR LEAVE TO ACCEPT  
REPLY FINDINGS AND CONCLUSIONS OUT OF TIME**

The Missouri State Conference of Branches of the NAACP, the St. Louis Branch of the NAACP and the St. Louis County Branch of the NAACP (collectively "NAACP") respectfully clarifies its "Motion for Leave to Accept Reply Findings and Conclusions Out of Time." The Motion accompanied the NAACP's Reply Findings and Conclusions, which was timely mailed on October 31 but was served at the FCC's Secretary's office a day out of time on November 1.

Before the undersigned's office opened on October 31, the Motion had been completed with the exception of four case citations. Counsel had intended to secure the citations from the library later in the morning, and effectuate the filing in the afternoon. However, shortly before the office opened, counsel received a call from his supervising attorney in NAACP's National office, indicating that National office was closing that day due to lack of funds. See attached article in this morning's Washington Post. This unexpected<sup>1/</sup> emergency -- which affected over 100

---

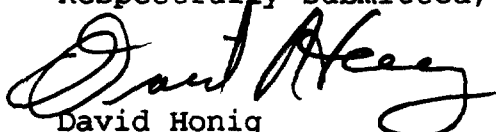
<sup>1/</sup> The NAACP had been continuously open for business since 1909, remaining open even during two world wars.

No. of Copies rec'd  
List ABCDE

*WJG*

matters being handled by the undersigned counsel<sup>2/</sup> -- so seriously disrupted the office that nothing else but responding to the closing could be done for most of that day. The aftereffects of the matter still occupy nearly a majority of the time of the undersigned and most other NAACP attorneys.

Respectfully submitted,



David Honig  
Law Office of David Honig  
1800 N.W. 187th Street  
Miami, Florida 33056  
(305) 628-3600  
(202) 332-7005

Counsel for the Missouri State  
Conference of Branches of the NAACP,  
the St. Louis Branch of the NAACP, and  
the St. Louis County Branch of the NAACP

November 3, 1994

---

<sup>2/</sup> In addition to the FCC docket, the undersigned handles the Association's litigation program in Dade County, Florida in his capacity as General Counsel of the Miami-Dade Branch. On October 31, he needed -- without delay -- to interpret the closing to other attorneys and officials in that branch and several other branches which he represents.

# NAACP Sets Fund-Raising Drive to Retire Debt

*Goal Is \$3.8 Million by Year's End; Union Files Grievance on Behalf of Furloughed Staff*

By Graciela Sevilla and Guy Gugliotta  
Washington Post Staff Writers

The NAACP yesterday called on organization leaders, members and corporate supporters to contribute to a massive fund drive aimed at retiring its \$3.8 million debt by the end of the year.

The announcement, by interim senior administrator Earl T. Shihoster, came two days after the financially troubled civil rights organization furloughed 88 of its paid staff for at least two weeks because it said it could not meet its payroll.

The "austerity plan" announced by Shihoster is the latest move by the 85-year-old NAACP to shore up a reputation tarnished by its financial crisis and the firing of executive director Benjamin F. Chavis Jr. Shihoster said the plan devised by the NAACP leadership was designed to raise \$93,000 per day to "generate sufficient dollars to retire our debt by the end of Dec. 31, 1994."

The leadership will ask every member of the national board of directors and special contribution fund trustees to contribute at least \$5,000, Shihoster said. The organization's 2,208 local branch offices and other organizations will be asked to contribute \$1,000 apiece, he added.

He said 22 corporate sponsors who cut funding to the NAACP this year will be asked to resume contributions, and "appeals will be made to African American entrepreneurs, athletes and entertainers."

"We haven't skipped a beat, and we have to move forward," Shihoster told reporters at the NAACP's Baltimore headquarters. "We think now we've turned the corner, and we're moving ahead."

Some prominent members of the organization,

however, are worried about the crisis of confidence that began with Chavis's firing and continues with allegations of overspending by board Chairman William F. Gibson during trips on the organization's behalf. Gibson has denied the allegations.

"We have to regain our credibility and our integrity and the trust of the branches," said board member Hazel Dukes in New York. "We have to service the branches, we must regroup and we must regain our reputation."

Similar views were expressed by union representative Sallie Williams, a spokeswoman for 50 of the furloughed workers, who complained about "poor leadership," especially by Gibson: "If he really cared anything about the NAACP, he should step aside."

Yesterday Williams filed a formal grievance on behalf of the out-of-work employees, charging that the NAACP leadership did not consult with the union, Maryland Public Employees Council 67, before abruptly ordering the furlough last Sunday. The council is affiliated with the American Federation of State, County and Municipal Employees.

Shihoster said he hoped to meet with the staff in the next few days, but warned that "there is a possibility that the furlough will be extended for some employees." Nevertheless, he said he was "pleased" that many staff members came to work this week as volunteers. He said the NAACP will save approximately \$250,000 because of the furloughs.

The NAACP has about 90 permanent paid employees in its Baltimore headquarters and its seven regional offices, relying principally on volunteers at the local offices. Council 67 represents mostly clerical workers making an average of \$17,000 per year.

Williams said Council 67 employees became

aware of the NAACP's financial problems in June, when they examined the books during a regular meeting with the association leadership and found a deficit of "more than \$2 million."

Labor-management relations were good, Williams said, until the disclosure in July that Chavis had agreed to pay up to \$332,400 in NAACP funds to settle a sexual discrimination claim by a former employee. The 64-member board of directors, which was not informed of the settlement, fired Chavis Aug. 20.

On Sept. 27, Shihoster met with Council 67 to discuss the organization's financial difficulties and craft a furlough plan, which the union accepted. Under that plan, Williams said, employees making more than \$22,000 agreed to two weeks' furlough, but were allowed to spread the layoff days over a five-week period. By this time, the deficit had swelled well above \$3 million.

Then last week the leadership decided that the savings from the original furlough would not be enough, and extended it to encompass all employees except those paid through outside grants.

Shihoster said the decision was taken during a conference call Saturday among members of the NAACP leadership, representatives of the Price Waterhouse accounting firm and attorneys representing the organization.

Shihoster said yesterday the NAACP takes in about \$13,000 per day, but spends \$45,000 per day in operating costs: "We determined after meeting our last payroll that unless something drastic was done we could not meet payroll on November 11."

*Sevilla reported from Baltimore, Gugliotta from Washington.*

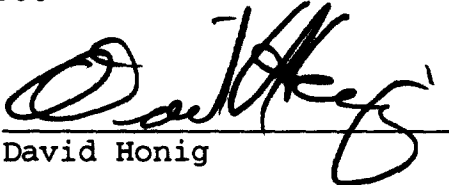
**CERTIFICATE OF SERVICE**

I, David Honig, hereby certify that I have this 3rd day of November, 1994, caused a copy of the foregoing "Clarification of Motion for Leave to Accept Reply Findings and Conclusions Out of Time" to be delivered by U.S. First Class Mail, Postage Prepaid, to the following:

Hon. Arthur Steinberg  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street N.W.  
Room 228  
Washington, D.C. 20554

Robert Zauner, Esq.  
Paulette Laden, Esq.  
Hearing Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street N.W.  
Room 7212  
Washington, D.C. 20554

Richard Zaragoza, Esq.  
Kathryn Schmeltzer, Esq.  
Fisher, Wayland, Cooper & Leader  
2001 Pennsylvania Avenue N.W.  
Washington, D.C. 20006

  
David Honig